

JOURNAL OF THE HOUSE.

Monday, July 2, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Message from the Governor.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2007 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4127) was filed in the office of the Clerk on Friday, June 29.

Supplemental
appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Distinguished Guest.

During the session, the Speaker declared a brief recess, and introduced the Honorable Edward J. Markey of Malden, member of the United States House of Representatives, representing the 7th Massachusetts Congressional District.

Congressman
Edward J.
Markey.

Guest of the House.

During the session,— the Speaker being in the Chair, then declared a brief recess and introduced Mr. Ed Hoppy Curran, a Vietnam veteran, who is retiring from the position of Director of Veterans Services for the city of Methuen. Mr. Curran, who was accompanied by his wife Ellen, was the guest of Representatives Campbell of Methuen, Lantigua of Lawrence and L'Italien of Andover.

Ed Hoppy
Curran.

Statement Concerning Representative Allen of Boston.

A statement of Mr. Rogers of Norwood concerning Ms. Allen of Boston, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Allen of Boston, will not be present in the House Chamber for the remainder of today's sitting due to a family medical emergency. Any roll calls that she may have missed today is due entirely to the reason stated.

Statement
concerning
Representative
Allen of
Boston.

Statement Concerning Representative Gary of Dracut.

A statement of Mr. Rogers of Norwood concerning Miss Gary of Dracut, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Gary of Dracut, will not be present in the House Chamber for the remainder of today's sitting

Statement
concerning
Representative
Gary of
Dracut.

due to a family medical emergency. Had she been present for the taking of Yea and Nay Nos. 113 and 115 she would have voted in the affirmative in each instance. Any roll calls that she may have missed today is due entirely to the reason stated.

Statement Concerning Representative Kaufman of Lexington.

A statement of Mr. Rogers of Norwood concerning Mr. Kaufman of Lexington, was spread upon the records of the House, as follows:

Statement
concerning
Representative
Kaufman of
Lexington.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kaufman of Lexington, will not be present in the House Chamber for today's sitting due to a long-standing previously scheduled family commitment. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Stanley of West Newbury.

A statement of Mr. Rogers of Norwood concerning Ms. Stanley of West Newbury, was spread upon the records of the House, as follows:

Statement
concerning
Representative
Stanley of
West Newbury.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Stanley of West Newbury, will not be present in the House Chamber for today's sitting due to a long-standing previously scheduled family commitment. Any roll calls that she may miss today will be due entirely to the reason stated.

Statement of Representative Walrath of Stow.

A statement of Mrs. Walrath of Stow was spread upon the records of the House, as follows:

Statement of
Representative
Walrath of
Stow.

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sittings of Thursday, June 21 and Wednesday, June 27 due to previously scheduled personal business. Had I been present for the taking of yea and nay Nos. 106 and 111, I would have voted in the affirmative in both instances. Any roll that I missed on those days was due entirely to the reason stated.

Resolutions.

Resolutions (filed with the Clerk by Representatives Mariano of Quincy and Poirier of North Attleborough) recognizing the public interest in supporting the National Conference of State Legislatures (House, No. 4128), were referred, under Rule 85, to the committee on Rules.

National
Conference
of State
Legislatures.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of the same member, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Harold
Rotenberg.

Resolutions (filed with the Clerk by Representatives Poirier of North Attleborough and Lepper of Attleboro) congratulating Harold Rotenberg on his one hundred and second birthday, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Humason of Westfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

A Bill authorizing the town of Sandwich to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2268) (on Senate, No. 219), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Sandwich,
liquor
license.

Reports

Of the Senate committee on Ways and Means, asking to be discharged from further consideration

Of the Senate Bill relative to smart growth housing trust fund (Senate, No. 132);

Smart growth
housing.

Of the Senate Bill relative to renewal communities and smart growth zoning (Senate, No. 156);

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And recommending that the same severally be referred to the committee on Housing.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the reference.

A petition of Stephen M. Brewer for legislation to establish a sick leave bank for John J. Bish, an employee of the East Brookfield Division of the District Court Department, came from the Senate referred, under suspension of Joint Rule 12, to the committee on the Judiciary.

John J.
Bish,
sick leave
bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2285) was referred, in concurrence, to the committee on the Judiciary.

Engrossed Bill.

The engrossed Bill relative to the school department of the town of Tewksbury (see House, No. 4117, changed) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Recess.

At five minutes after eleven o'clock A.M., on motion of Mr. Rushing of Boston (Mr. Donato of Medford being in the Chair), the House recessed until twenty minutes after twelve o'clock noon; and at two minutes before one o'clock P.M. the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Quorum.

Quorum.

Mr. Donato of Medford thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,
yea and nay
No. 112.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (The Speaker being in the Chair) 147 members were recorded as being in attendance.

[See Yea and Nay No. 112 in Supplement.]

Therefore a quorum was present.

*Reports of Committees.*General
Appropriation
Bill.

Mr. DeLeo of Winthrop, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text of contained in Senate document numbered 2250) of the House Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for the interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4001), reported, in part, a Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4141) [Appropriations: \$26,812,006,486.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. DeLeo of Winthrop, the report was considered forthwith.

Committee of
conference
report
accepted,
yea and nay
No. 113.

After debate on the question on acceptance of the report, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 152 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 113 in Supplement.]

Therefore the report of the committee of conference was accepted. Sent to the Senate for concurrence.

Norman
Rockwell.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel E. Bosley and others for legislation to designate Norman Rockwell as the official artist of the Commonwealth. Under suspension of the rules, on motion of Mr. Bosley of North Adams, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Tourism, Arts and Cultural Development. Sent to the Senate for concurrence.

Recess.

Recess.

At a quarter before two o'clock P.M., on motion of Mr. Petrolati of Ludlow, the House recessed until three o'clock P.M.; and at thirteen minutes before four o'clock P.M. the House was called to order with Mr. Donato of Medford in the Chair.

Quorum.

Quorum.

Mr. Petrolati of Ludlow thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Donato of Medford), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (The Speaker being in the Chair) 152 members were recorded as being in attendance.

Quorum,
yea and nay
No. 114.**[See Yea and Nay No. 114 in Supplement.]**

Therefore a quorum was present.

Emergency Measure.

The engrossed Bill making appropriations for the fiscal year 2008 for the maintenance of the departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 4141), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

General
Appropriation
Bill.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 37 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays, at the request of Mr. DeLeo of Winthrop; and on the roll call 154 members voted in the affirmative and 0 in the negative. No. 115.

Bill enacted,
yea and nay
No. 115.**[See Yea and Nay No. 115 in Supplement.]**

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Order.

On motion of Mr. Petrolati of Ludlow,—
Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M.

Next
sitting.

At half past four o'clock P.M., on motion of Mr. Petrolati of Ludlow (the Speaker being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M., in an Informal Session.